

become involved, even if in a small way, dealing with the clash between the reality of life in Alaska and the perceptions of those in the Lower 48.

In Alaska Territory the care of the mentally ill was a direct responsibility of Congress entrusted to the Department of Interior, and since 1904 the agency had contracted with a private "Nervous Sanitarium" in Portland, Oregon, known as Morningside, to care for mentally and emotionally troubled Alaskans. Black humor in Alaska about the natural progression of life from youth to old age was "Inside-Outside-Morningside," meaning those who left Alaska to go "Outside"—anyplace but Alaska—would sooner or later end up in the Morningside mental hospital.<sup>34</sup> By the early 1950s the Interior Department was fully cognizant that the federal commitment process in Alaska, which had not changed since 1905, and the warehousing of mental patients in the aging Morningside Sanitarium was nothing short of a crime, but the entrenched system in place for half a century, protected by politicians, bureaucratic rust, and inertia, proved extraordinarily difficult to reform.<sup>35</sup>

For seven years the Interior Department had "vigorously supported" efforts to find an alternative to Morningside and to modify the outdated federal laws under which the territory was forced to operate, most particularly the archaic commitment procedures, but all efforts had been blocked in Congress.<sup>36</sup> Despite every setback Bob Bartlett—one of whose uncles had been briefly committed to Morningside decades before—continued to champion the enactment of long-overdue reforms. As Congress wrestled with how to improve the deplorable situation, New York Congressman Leo "Obie" O'Brien's territorial subcommittee of the House Interior and Insular Affairs Committee—the gatekeeper subcommittee that handled up to 90 percent of all legislation having to do with Alaska—decided to hold hearings in the territory in the fall of 1955 to "investigate any matter within its jurisdiction," including mental health.<sup>37</sup>

The 1955 Alaska tour of O'Brien's territorial subcommittee was a marathon. According to Chairman O'Brien's estimate, the hardest-working subcommittee in politics crammed about ten months' worth of hearings by Washington standards into only three weeks, traveling thousands of miles and hearing from more than two hundred witnesses in twenty locations across the length and breadth of the territory.<sup>38</sup> O'Brien's congressional trek across Alaska was the most ambitious and wide-ranging investigation ever held in the territory, and the end result was more than fifteen hundred printed pages of testimony, on topics so broad and disparate that the title for the encyclopedic-sized compilation of proceedings was simply

*Alaska, 1955.* The committee hearings would have a profound impact on the mental health issue, statehood, and Congressman O'Brien himself, a liberal Democrat with a sparkling sense of humor from upstate New York.

On his final day in Alaska, O'Brien announced his conversion at the Juneau public hearing. "I think your greatest problem in Washington lies in the fact that many Members of Congress are indifferent to your problems. . . . I was one of the indifferent ones. . . . But that indifference has been dissipated in the last two weeks." Admitting that he had learned more about Alaska in the previous fourteen days than "I did in 4 years in a remote committee room in Washington peering at maps," he pledged that he and his fellow representatives would go back home as changed men and women, determined to help solve the problems in Alaska that only Congress could address. "I am very sure that you will be better off, the Government of the United States will be better off, and we will be better off individually and collectively for having spent this time in the Territory." True to his word, O'Brien would become a passionate defender of the rights of Alaskans, adopt the territory as his special responsibility, and would become what he called the "quarterback" for the Alaska Statehood Bill in the House of Representatives.<sup>39</sup>

Of all the testimony O'Brien heard on his 1955 tour of Alaska, no story impressed him more deeply than the tale he heard from Ted Stevens about the unjust federal treatment of mental patients. Stevens appeared before the O'Brien subcommittee in Fairbanks on September 15, 1955, marking the first time he ever officially testified in a congressional hearing. He was invited at the special request of committee member Bob Bartlett, who thought Stevens's firsthand experience as a court official with involuntary commitment procedures would be persuasive, but it took some bureaucratic maneuvering to get him to the witness table. The Department of Justice had not taken an official stance on the Alaska mental health legislation, and the agency was not about to have the northernmost U.S. Attorney in the land start setting policy for it. When Stevens's initial request to his superiors for permission to talk to the committee had gone unanswered, Bartlett sent a special telegram six days before the hearing to Deputy Attorney General William P. Rogers in Washington asking for action: "Will greatly appreciate your granting United States Attorney Theodore Stevens permission to appear as witness before House Interior Subcommittee which will convene in Fairbanks September 15, so he may present testimony in connection with Alaska Mental Health Bill and pertinent matters. I believe his opinions would be helpful in determining final draft of language."<sup>40</sup> After some bureaucratic dithering the Justice

Department agreed three days later to let Stevens appear, on the condition, as the memo written for the files stated, "that if he had to give an opinion to be sure he made it clear that it was his personal opinion and did not reflect the views of the Department. He said he . . . would follow my instructions."<sup>41</sup>

Never lacking for a strong opinion—or hesitating to express it—the fiery DA made it clear to the House subcommittee that in his personal view the inhumane federal policies toward mental patients in Alaska were a stain on the conscience of anyone involved in the entire process. Some on the committee had opposed the changes to the commitment procedures that the Interior Department had suggested, but Stevens begged them to reconsider. Under the existing federal rules mentally ill men, women, and children in Alaska were treated not as patients but as criminals, because a jury trial was the only tool for involuntary commitment. It was not uncommon for individuals to be charged, arrested, jailed, and committed to Morningside fifteen hundred miles away without ever having seen a psychiatrist or medical practitioner of any kind.

Too many times the DA had participated in this miscarriage of justice, an antiquated remnant from the dark ages of mental illness. Generally the commitment paperwork began with the filing of a written complaint with the local U.S. Commissioner or judge asserting that an individual "was an insane person at large." The law required that the alleged insane person be arrested and confined by the U.S. Marshal in federal jail with all the other prisoners, until a six-member jury could be impaneled to decide whether he or she was "guilty" of insanity. The "guilty" vote had to be unanimous.

When the Interior Department had asked a prominent group of medical experts to evaluate Alaska's mental health policies back in 1949, the psychiatrists and clinicians were appalled to find that such a barbarous and unscientific procedure as the insanity jury, completely divorced from medical science and "utterly out of line with present concepts and methods of psychiatric treatment," was still the official practice of the U.S. government in Alaska. The panel published a stinging indictment in the *American Journal of Psychiatry* in 1950 that decried treating sick people like prisoners, confining them in the overcrowded, unsanitary jails in the territory—especially the federal jail in Anchorage, a "fabulous obscenity" unsuitable for any human occupation.<sup>42</sup> In the six years since that investigation, nothing had changed, and Stevens thought one did not need an MD to see that insanity trials were a barbaric way to treat sick people.

From his perspective as a prosecutor, asking uninformed citizens off the street to make a clinical diagnosis was a medical and legal travesty.

A jury might as well have been asked to diagnose brain cancer, diabetes, or scarlet fever. The most heartrending cases involved children. In one notorious instance, which Bob Bartlett found most repulsive, a seventeen-day-old infant accused of insanity was jailed, tried, convicted, and sentenced to Morningside.<sup>43</sup> Likewise a twenty-month-old toddler—whose mother had charged that the baby was insane—had been committed to Morningside, joining seventeen other children younger than eight years of age at the sanitarium in 1955.

“The insanity jury system is archaic,” Stevens said. “It places in the hands of laymen the right to determine . . . a person’s mental capacity.”<sup>44</sup> During the twenty-four months since Stevens had taken office as U.S. Attorney, there had been sixty-seven insanity hearings in Fairbanks—about one every two weeks—and it was the worst part of his job. “There is no way you can put a foot in the stomach of a prosecuting attorney quicker than making him participate in an insanity hearing. . . . I really have a very great respect for juries, but not with insanity.”

Chairman O’Brien then asked Stevens if a six-member jury with no medical training might be “just as likely to send a sane person to an insane asylum as they would be to free a person who was insane?”

“That is true,” Stevens said. “I have witnessed a person I would consider normal—maybe my judgment is not too good—but a person I have considered normal gets on the stand. They get a little nervous. I am a little nervous right now although I am before juries constantly. Yet a man who is really insane, I have watched them and they are very lucid.”<sup>45</sup>

Usually such little time was given to the insanity proceedings—as little as fifteen or twenty minutes—that it would have been impossible for even a trained professional to make an informed judgment so quickly. On one occasion Stevens had been warned in advance to encourage a suspected mental patient to talk as long as he wanted, because only then would the true extent of his psychosis be revealed. The man started out speaking calmly and coherently; they let him talk for nearly two hours, when suddenly his demeanor became unhinged. “The gentleman took off his shoe,” Stevens recalled, “and began reading a poem about the Statue of Liberty and gave us a political speech.”

The story of the shoeless man obsessed with the Statue of Liberty sparked Chairman O’Brien’s legendary sense of humor. “You would not say that a delivery of a political speech was a symptom of insanity, would you?”

Amid a chorus of laughter Stevens responded, “Please do not tell the Department.”<sup>46</sup>

That moment of levity aside, Stevens's dismal message about the barbaric state of Alaska's legal procedures for the mentally ill was painful for all to hear. "There is no one, apparently, in the entire chain of command," O'Brien summarized, "including yourself, members of the jury, Department of the Interior, Department of Health, and Education and Welfare, and the Department of Justice who likes what is going on."<sup>47</sup>

---

Snedden wholeheartedly backed the effort to reform the "vicious system of handling the insane that is a blot on the Federal government's record in Alaska." No clearer example existed of how little power territorial residents had over their own destiny than the inability to change the rules about insanity. "This system, imposed on Alaska by the Federal government, [has] been condemned by every medical authority who has studied it. Yet, Alaska was helpless because the Territory has no voting representative in Congress to lead a battle to change this vicious practice of jailing the mentally ill."<sup>48</sup>

While true enough that Alaska had no votes to trade, the territory did have Bob Bartlett. Theoretically, Alaska as a territory was represented by all ninety-six Senators and 435 Congressmen, but it was Bartlett, the conscience of the U.S. Congress, with his earnest powers of polite persuasion and impeccable reputation, quietly cajoling colleagues to do for Alaska what the territory could not do for itself, who made sure Alaska's voice was heard. Bartlett's remarkable ability to deal with his colleagues on Capitol Hill even though he had no favors to give in return, a skill that would prove its value most notably during the final push for statehood, was fully evident during the mental health debate, when he enlisted Rep. Edith Green of Portland to sponsor the bill in order to help neutralize opposition from Oregon. Even though the reforms would mean the end of the federal contract with Morningside, and probably cost her some prominent local supporters, motivated by Bartlett she agreed to work against the parochial interests of her own district in favor of a greater good, helping the sick of Alaska. This noble gesture on the part of Representative Green did not go unnoticed. A *News-Miner* editorial described it as a selfless act that epitomized a true servant of the people. "We say, that greater courage has no congressman or congresswoman who would risk the loss of support in his or her own State to help residents of a Territory who can offer no votes in an election."<sup>49</sup>

Outside the state of Oregon, voting for the Alaska Mental Health Bill at first seemed to require little or no courage on the part of anyone in Congress. In the wake of the 1955 congressional hearings in Alaska, the measure passed the House on a voice vote with minimal opposition on January 18, 1956. Snedden thought the worst was over. Since there were "no avowed enemies" of the legislation in the Senate, and the Interior Department and President Eisenhower were solidly behind it, he expected that the new mental health procedures would quickly become the law of the land, meaning "mentally ill persons in Alaska will no longer be arrested, jailed, tried by jury, and escorted to Morningside Hospital. . . . They will be examined by competent specialists, and treated in an Alaskan institution where they will be within reach of relatives and friends." The House vote was a rare victory of "considerable magnitude," the *News-Miner* wrote, demonstrating "that when the people of Alaska become aroused, and unite in support of good legislation, they can score gains in Congress."<sup>50</sup>

Within weeks that optimism was shattered by a strange twist of events which would prove yet once again that as far as Alaska was concerned, what the residents of a territory may or may not have wanted was inconsequential compared to what Congress heard from voters back home. The Alaska Mental Health Act passed by the House, HR 6376, became the centerpiece of a bizarre conspiracy theory, which one bemused observer in William F. Buckley's *National Review* said caused the biggest outbreak of mass hysteria and "panic since Orson Welles landed his Martian invaders" with *The War of the Worlds* in 1938.<sup>51</sup> The Alaska commitment procedures Stevens had addressed in his testimony were the focal point of an acrimonious national debate, so far-fetched and delusional it could have been hatched inside the walls of Morningside itself, that revealed how ill informed the rest of the country remained about the reality of life in the northern territory, and how vulnerable Alaska would continue to be as the target of popular delusions in American politics.

Not long before the mental health bill had passed the House, a little-known right-wing group claimed the new law would authorize construction of a massive federal concentration camp to house thousands of American political prisoners. "We could not help remembering that Siberia is very near Alaska," one alarmist with a good memory warned, "and . . . we were wondering if it could be an American Siberia." It was a case of putting two and two together and coming up with two million: Alaska is close to Siberia and cold like Siberia, so therefore Alaska is a prison camp like Siberia.

A California conspiracy theorist published a widely quoted article titled "Siberia, U.S.A." that became the catchphrase of the movement. It alleged that the Alaska mental health bill was a covert attempt "to establish a concentration camp for political prisoners" that would "place every resident of the United States at the mercy of the whims and fancies of any person with whom they might have a disagreement, causing a charge of 'mental illness' to be placed against them, with immediate deportation to 'SIBERIA, U.S.A.'"<sup>52</sup> Because the proposed legislation modified commitment procedures in part by changing the rules for insanity jury trials—though not eliminating them, as Stevens had recommended—the extremists charged it "takes away all of the rights of the American citizen to ask for a jury trial and protect him from being railroaded to an asylum."<sup>53</sup>

O'Brien said somehow the opponents of the mental health bill had convinced themselves that the U.S. government was about to string "a barbed wire fence around a million acres in Alaska, into which we would pour anyone in your district or mine, at whom we might point a finger."<sup>54</sup> Because the big lie took less effort to comprehend than the little complex truths of real life, for too many gullible and uninformed Americans who knew little about Alaska—except it was close to Siberia—and even less about modern mental health practices, the prison camp story was easily digestible. Common sense is not always the active ingredient in politics, and since Alaska was so strange and foreign to most Americans anyway, the "frozen north" found itself to be fertile ground for the preposterous. As a sparsely populated, politically impotent region, the territory of Alaska served handily as a blank canvas where nightmares and dreams of those who lived elsewhere could be projected, and no more powerful specter existed in America in the 1950s than the fears of mind control, indoctrination, and global communism.

Both Snedden and Stevens were distressed and indignant about the distortions spread in the "underhanded" and outrageous "Siberia, U.S.A." anonymous editorial that had started to appear in newspapers around the country in early 1956. The *News-Miner* reprinted the Siberia charges simply because it would otherwise have been so unbelievable to anyone in Alaska that such charges could be taken seriously. "Obviously, it came from some source," the *News-Miner* concluded, "that is hostile to Alaskans, to their ambitions for Statehood and their desires to create a modern system for committing and treating the mentally ill."<sup>55</sup>

The combination of paranoia and misinformation about Alaska destroyed any chance of Senate passage of HR 6376. When it finally appeared as if all prospects of mental health reform had been stymied yet

again, the great conservative Arizona icon in the Senate, Barry Goldwater, found the solution to appease the radical right. On Goldwater's prodding the Senate stripped from the bill all the specifics about the commitment procedures that helped spur the right-wing backlash, and to the relief of all who truly cared about the tortured souls plagued with mental disease, the pared-down bill sailed to passage. Instead of spelling out how the mentally ill in Alaska would be treated, the final law simply gave the territorial legislature the "authority comparable in scope to that of the States and other Territories" to deal with mental illness and a one-million-acre land grant to pay for it.<sup>56</sup> This adroit editing sidestepped the concentration camp specter without changing the main thrust of the bill: to stop the brutal treatment of mental patients in Alaska, and to allow new, more humane commitment procedures to be instituted.

---

By the time the Alaska Mental Health Enabling Act, which put the district attorney and the Interior Department out of the insanity business, became law in 1956, Stevens had joined the staff of the Interior Department. His move back to the capital in 1956 was as much a surprise to himself as anyone else. Originally Stevens had intended to remain with the Justice Department as a U.S. Attorney in Alaska, but he had wanted to move to Juneau. After being recruited to apply for a vacant position in Juneau, he had submitted his name for consideration for the transfer in early 1956 but was surprised to get a telegram from Assistant Attorney General William Rogers on March 1, 1956: "Prior commitments make transfer to Juneau impossible." Stevens was disappointed, surprised, and puzzled. "In many ways I am sorry about this," Stevens wrote. "I did not decide overnight to try for the Juneau spot."

He had run his transfer request by all the officials of the Alaska GOP, from local party members on up to and including national committeeman Wally Hickel and Governor Frank Heintzleman and had never received any hint that the request would be summarily rejected. He explained to a friend that he had purposely not contacted anyone else on his behalf because "I was informed that *no* appointments would be made in Alaska without clearance from the local organization. That is the route I chose, and, apparently, it has not benefited me to do so." He speculated that someone in the Alaska GOP might have sabotaged his candidacy, and that instead of relying on local support alone, he should have asked for help from the two Republican senators from his home state of California,